

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

Sean P. Van Horn,	)	
	)	
Petitioner/Defendant,	)	
	)	CIVIL NO. 3:23-cv-01991-SMY
vs.	)	
	)	CRIMINAL NO. 3:20-cr-30066-SMY-1
UNITED STATES OF AMERICA,	)	
	)	
Respondent/Plaintiff.	)	

**GOVERNMENT’S MOTION TO DISMISS PETITIONER’S  
MOTION TO VACATE, SET ASIDE OR CORRECT SENTENCE AS UNTIMELY**

Comes now the United States of America, by and through its attorneys, Steven D. Weinhoef, United States Attorney for the Southern District of Illinois, and Karelia S. Rajagopal, Assistant United States Attorney, and hereby moves to dismiss Sean P. Van Horn’s Motion to Vacate, Set Aside or Correct Sentence. In support thereof, the United States of America states as follows:

**Procedural Background**

On June 24, 2020, Van Horn was charged with Attempted Enticement of a Minor. R. 11. After a two-day trial, Van Horn was found guilty by a jury. On February 8, 2022, Van Horn was sentenced to a total term of imprisonment of 120 months, a total term of supervised release of 15 years, fined \$500, and ordered to pay a \$100 special assessment. R. 97, 100. Judgment was entered on February 10, 2022. R. 100. Van Horn did not file a notice of appeal.

To be timely, Van Horn's motion to vacate, set aside or correct sentence had to have been filed by February 24, 2023<sup>1</sup> 28 U.S.C. § 2255(f)(1).

Title 28, United States Code, Section 2255 (f) allows a motion to vacate to be filed within one year of the following:

- (1) the date on which the judgment of conviction become final;
- (2) the date on which the impediment to making a motion created by governmental action in violation of the Constitution or laws of the United States is removed, if the movant was prevented from making a motion by such governmental action;
- (3) the date on which the constitutional right asserted was initially recognized by the Supreme Court, if that right has been newly recognized by the Supreme Court and made retroactively applicable to cases on collateral review; or
- (4) the date on which the facts supporting the claim or claims presented could have been discovered through the exercise of due diligence.

28 U.S.C. § 2255(f). Because Van Horn's judgment became final on February 24, 2022, to be timely, his 2255 motion had to have been filed by February 24, 2023. It was not. Van Horn filed his motion on June 12, 2023. Therefore, it must be dismissed.

WHEREFORE, the Government respectfully requests that this Court dismiss Van Horn's Motion to Vacate, Set Aside or Correct Sentence as untimely. If this Honorable Court finds, however, that Van Horn's motion should not be dismissed, the Government respectfully requests an additional 60 days to respond to the Van Horn's substantive claims.

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<sup>1</sup> If no notice of appeal is filed, a conviction becomes final 14 days after judgment is entered. Federal Rule of Appellate Procedure 4(b)(1)(A).

Respectfully submitted,

STEVEN D. WEINHOFET  
United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 16, 2025, I electronically filed the **Government's Motion to Dismiss Defendant's Motion to Vacate, Set Aside or Correct Sentence** with the Clerk of Court using the CM/ECF, and caused to be mailed by the United States Postal Service to the following non-registered participant:

**Sean P. Van Horn**  
14746-025  
FORREST CITY LOW  
FEDERAL CORRECTIONAL INSTITUTION  
Inmate Mail/Parcels  
P.O. BOX 9000  
FORREST CITY, AR 72336-9000  
PRO SE

/s/ Karelia S. Rajagopal  
KARELIA S. RAJAGOPAL